THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on :19.02.2007

+ **WP (C) 10257/2006**

SANJAY KUMAR …Petitioner

-versus-

ASIA PACIFIC INSTITUTE OF MANAGEMENT & ORS. …Respondents

Advocates who appeared in this case:

For the Petitioner	:	Mr Sudhanshu Paio with Mr Sandeep Jain
For the Respondent No.1.	:	Mr Rakesh Kumar Singh with Mr Dwigesh Kumar Pandey
For the Respondent No.3/AICTE.	:	Mr Jatan Singh

CORAM:-
HON'BLE MR. JUSTICE BADAR DURREZ AHMED

1. Whether Reporters of local papers may be allowed to see the judgment ?

2. To be referred to the Reporter or not ?

3. Whether the judgment should be reported in Digest ?

BADAR DURREZ AHMED, J. (ORAL)

1. This writ petition concerns the cancellation of admission granted to the petitioner for the PGDBM Programme for the Session 2006-2008 by the respondent No.1 (Asia Pacific Institute of Management). The petitioner applied for admission in the said programme and by a letter dated 12.01.2006, he was informed by the respondent No.1 that, based on his performance in the admission process of group discussion and personal interview, the Admission Committee of the respondent No.1 had approved his name for admission to the

said PGDBM Programme. The petitioner was required to submit a fee of Rs.70,000/-, including Rs.5,000/- refundable security by 28.01.2006, which the petitioner did. However, by a letter dated 24.05.2006, the respondent No.1 informed the petitioner that the Admission Committee for the PGDBM Programme had noticed that the petitioner did not meet the minimum cut off percentage criteria in graduation of 50% and above. In view of this, it was indicated that the respondent No.1 was unable to offer the petitioner a seat in the PGDBM Programme. The amount of Rs.70,000/- was refunded to the petitioner by a demand draft dated 19.05.2006.

2. The petitioner's case is that the respondent No.1 nowhere specified the minimum cut off percentage criteria of 50% as indicated in the letter dated 24.05.2006. And that, in any event, the petitioner had been granted admission and could not have been denied the seat.

3. The learned counsel appearing on behalf of the respondent No.1 referred to the prospectus issued by them for the PGDBM Programme. He indicated that the eligibility and selection process was clearly spelt out. Insofar as the selection process was concerned, a written test was required. A candidate was also to qualify in the group discussion and the personal interview. It was provided in the prospectus that the candidates who qualify in the written test would be called for a group discussion and personal interview. The final

selection would be based on the candidate's overall performance in the written test, group discussion, personal interview and past academic record. It was contended by the learned counsel for the respondent No.1 that the petitioner's "past academic record" was not upto the standards insofar as the marks obtained by him at the stage of graduation were concerned.

4. In rejoinder, the learned counsel for the petitioner submitted that the expression "past academic record" has not been specified and it is nowhere indicated in the prospectus that the requirement of 50% marks at the time of graduation was a minimum stipulation. Therefore, after having granted admission, the petitioner's admission could not be cancelled. On a pointed question being asked to the learned counsel for the petitioner, he informed that the petitioner is now not interested in pursing the PGDBM Programme for the next academic year as he is preparing for his Civil Services Examinations. He, however, says that the petitioner was put to great financial strain and mental agony and that the respondent No.1 cannot be permitted to grant and / or deny admission on an arbitrary basis without clearly specifying the minimum requirement.

5. With reference to the last submission made by the learned counsel for the petitioner, the learned counsel for the respondent No.3 [AICTE] submits that it is the respondent No.3 which is responsible for ensuring that all the technical

institutions maintain standards which are transparent for admission and fee norms, etc. It was submitted by him that if a complaint had reached the respondent No.3, they would have investigated the same to ascertain as to whether the stipulations contained in the prospectus were in accordance with the regulations / directions given by the respondent No.3 from time to time.

6. In view of the discussion above, I think that it would be appropriate if this petition is treated as a complaint by the respondent No.3 and the same is processed immediately and action is taken, if necessary. This exercise should be concluded within two months from today. A report be submitted to this court on the conclusion of this exercise with a copy to the petitioner. The learned counsel for the respondent No.1 also submits that they shall fully comply with any reasonable direction being given by the respondent No.3 with regard to the admission procedure for the future. The respondent No.1 shall also pay costs of Rs.10,000/- to the petitioner.

This writ petition stands disposed of.

BADAR DURREZ AHMED
(JUDGE)

February 19, 2007
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